REMARKS

Claims 1-21, 25-32 and 36-45 were rejected in the outstanding Office Action under 35 U.S.C. §103(a) as unpatentable over U. S. Patent No. 5,651,936 (Reed) in view of Cerestar Technical Information for Maltidex M 16311 (Cerestar). Further, claims 22-24 and 33-35 were rejected in the outstanding Office Action under 35 U.S.C. §103(a) as unpatentable over Reed in view of Cerestar and in view of U.S. Patent No. 4,105,801 (Dogliotti). These rejections are respectfully traversed.

The rejections in the current Office Action appear to be word for word identical to the rejections in the February 26, 2008 Office Action. Rather than repeat the arguments made in the response to that Office Action, the present Response will focus on the new arguments made on pages 21-25 of the outstanding Office Action. However, the Response of May 6, 2008 is incorporated herein by reference.

The previous Response pointed out that the previous Office Action obscures the difference between claim 1 (calling for the use of a hydrogenated starch hydrolyzate (HSH) syrup, and requiring that the final evaporated syrup composition comprises at least 1.5% hydrogenated oligosaccharides having a DP of 3 or greater) and the disclosure of Reed (which does not use HSH, but uses maltitol as an anticrystallization agent) by stating that Reed discloses using "iii) a hydrogenated starch hydrolyzate (see maltitol, C5/L8-12)." The Response noted that hydrogenated starch hydrolyzate is not the same thing as maltitol. On page 21, the outstanding Office Action attempts to counter this argument with a citation to Federal Register, Vol. 70, No. 31, page 7871/Section IV. However, this discussion of the Federal Register is logically flawed.

The outstanding Office Action, on page 21, states, "While it is true that that [sic] Reed et al. does not explicitly disclose that HSH is the same thing as maltitol, it is well known in the art that art [sic] that maltitol is a HSH (as evidenced by Federal Register)." This statement is inaccurate, and the Federal Register sets forth the true definition of HSH. Maltitol is a component of HSH, but maltitol is not a HSH. The last sentence of page 7871 of the cited Federal Register, continuing over to page 7872 (a copy of which is attached) states that "Syrups, hydrolyzed starch, hydrogenated [the Federal Register term for HSH] contain various amounts of maltitol, sorbitol and higher order polyols or

polysaccharides." While applicants acknowledge that HSH contains maltitol, that does not mean that maltitol and HSH are the same thing.

Rather, HSH differs from maltitol by further including sorbitol and higher order polyols. And Reed specifically states that these higher order polyols are to be avoided being used in the Reed syrup "because alditols with a DP of 3 or greater cause an increased viscosity in the syrup as it is evaporated." Col. 5, lines 4-5. Thus the major difference between HSH and maltitol (the inclusion of higher order polyols) is the very thing that Reed teaches away from.

The outstanding Office Action, on page 22, notes that Reed, while teaching to avoid using the alditols having a DP of 3 or greater, recognizes that a small percentage of such higher DP alditols can be tolerated. In this regard, Reed states, "The ratio of any alditols with a DP of 3 or greater to the alditols other than sorbitol and having a DP of 1 or 2 will preferably be less than 2:3, more preferably less than 1:2, and most preferably less than 1:3." While the Office Action notes this portion of Reed, it fails to note the following additional teachings of Reed: "Preferably less than about 4% of the alditols will have a DP of 3 or greater. Most preferably the syrup will consist essentially of sorbitol, a plasticizing agent selected from glycerin, propylene glycol and mixtures thereof, and an anticrystallization agent selected from maltitol, mannitol and mixtures thereof." Col. 5, lines 29-34. As noted previously, Maltidex M 16311 has 22% alditols with a DP of 3 or greater and 76% maltitol. While Reed would tolerate a small amount of a HSH material in the syrup, Reed clearly teaches that the syrup is to contain an anticrystallization agent selected from alditols other than sorbitol and having a DP of 1 or 2. Thus it would not have been obvious from Reed to use a material that has 22% alditols with a DP of 3 or greater and 76% maltitol as a substitute for the plain maltitol (or combined maltitol and mannitol) of Reed.

Applicants previously noted that the present invention involves unexpected results, rebutting a *prima facie* case of obviousness if one were made out. The arguments on pages 22-23 of the outstanding Office Action assert that Applicants have failed to meet their burden of supplying a factual basis for unexpected advantages, and points to three supposed deficiencies: 1) lack of a showing that the syrup defined by the

claims is unexpectedly superior to the syrup of Reed, 2) unfixed variables that prevent direct comparison, and 3) no clear showing of what the unexpected results are.

These arguments are misdirected because they are not applicable to the primary unexpected results of the present invention. The most surprising result of the present invention was a discovery that a single syrup of the present invention can be used at commercially significant levels to make both acceptable stick gum products and coated gum products, while the syrup of Reed could not be so used.

The fact that a single syrup of Reed could not be used to make both acceptable stick gum and coated pellet gum also precludes the rejection of claims 22 and 33, which specifically call for making both a stick gum and a coated pellet gum from the same syrup. Thus this specific rejection, and the unexpected results relative to all of the claims, are considered together in the following discussion.

The rejections of claims 22 and 33 is predicated on an interpretation of Reed which extrapolates the statement in Reed about possible uses of the syrup and general statements of the forms of chewing gum products into an inference that a single syrup made by the teachings of Reed could be used to make both stick and coated pellet gum. In fact, on page 25, the outstanding Office Action recognizes that claims 22 and 33 require using the same syrup to make both gum products, and then asserts that Reed meets this by teaching a method of making a gum composition and forming the composition into sticks, pellets and chunks. What Reed actually states is that the Reed syrup "can be used with a variety of processes for manufacturing chewing gum. Chewing gum is generally manufactured by sequentially adding the various chewing gum ingredients to commercially available mixers known in the art. After the ingredients have been thoroughly mixed, the chewing gum mass is discharged from the mixer and shaped into the desired form, such as by rolling into sheets and cutting into sticks, extruding into chunks, or casting into pellets." Col. 9, lines 30 to 39.

There is nothing in Reed that states that the same syrup could be used to make both stick and coated pellet gum, as required by claims 22 and 33. At most, Reed suggests that a gum composition made using a syrup taught by Reed can be formed into pellets. Reed is silent on making a coated gum product. Thus it is purely speculation in the Office Action that a syrup taught by Reed can be used to make an

acceptable coated product. There is no suggestion in Reed that the same syrup be used in making the stick gum as is used to make the pellet gum, let alone a pellet gum that is then coated.

More importantly, the discovery of the present inventors that the syrup of Reed used to make a stick gum could not be used to make an acceptable coated pellet gum, and the discovery that of a syrup of the present invention can make both acceptable coated pellet gum as well as stick gum, is a surprising result. Paragraph 0009 of the specification discusses the present invention in the context of the Reed disclosure: "U.S. Patent 5,651,936 [Reed] discloses a unique syrup composition containing aqueous sorbitol, a plasticizer agent, and an anticrystallizing agent. This composition was designed to use aqueous sorbitol as a less expensive form of sorbitol.... While this syrup was successfully used in chewing gum compositions used to make stick forms of chewing gum products, its use in other forms, particularly coated pellet gum, at a level great enough to be economically advantageous, was not satisfactory." Paragraph 0011 of the specification then states: "The preferred embodiment of the present invention provides a sugarless syrup that surprisingly can be used in both stick and pellet chewing gum compositions, providing lower cost and improved chewing gum compositions. The preferred syrup can be used at levels which are high enough that the cost savings justify its use." The details underlying the surprising result are explained more fully in paragraphs 0034-0037. Paragraph 0038 concludes by stating, "The new sugarless syrup surprisingly can be used in stick, tab, chunk or pellet chewing gum products, especially pellets that are to be coated. It is a great advantage to chewing gum manufacturers to use the same ingredients in all of their chewing gum compositions, which are then used to make stick products, tab products, pellets for coating, or gum balls."

This surprising result provides a showing of nonobviousness. In an analogous case, *Ex Parte Mead Johnson and Co.*, 227 U.S.P.Q. 78 (Board of Patent Appeals and Interferences, 1985), the claims had been rejected under 35 U.S.C. §103. On appeal the rejection was reversed. The reason for reversal was that the prior art suggested that the claimed compound would have a certain property (a beta-blocking property). However, it was shown that the claimed compounds did not have the expected property.

The Board held that absence of an expected property is evidence of non-obviousness. One of the arguments against patentability was that the tests in the specification relied upon for the showing of the absence of the property was comparing the claimed compound to something other than the prior art being used to make the rejection. The Board held that this was irrelevant, because there was a clear showing that the claimed compound did not posses the expected property, and from the prior art one of ordinary skill would have expected the compounds to have had the property.

In the present case, according to the rejection in the outstanding Office Action, one of ordinary skill in the art would have expected that a single syrup of Reed could be used in both stick and coated pellet gum. Applicants discovered that the Reed syrup did not have this property. This discovery of the absence of an expected property thus supports the position that the present invention is nonobvious. (Alternatively, if the Examiner concedes that Reed does not teach that a single syrup could be used to make both a stick and coated pellet form of gum, then it must in turn be recognized that it is still surprising that the inventors discovered a syrup that could be so used.)

Further, nothing in the secondary reference, Maltidex M 16311, teaches that by adding HSH to the Reed syrup one would have been able to make a syrup that did work for coated pellet gum. This surprising result, including discovery of an error in a suggestion in the prior art and development of a syrup that can be used to make both stick and pellet gum, is sufficient reason under *Graham v. John Deere* to overcome a *prima facie* obviousness rejection.

Another way of saying this is that using the syrup of the present invention gives a superior product compared to following the prior art. As evidenced by the testing that was done by the inventors and reported in paragraphs 0009, 0011 and 0034-38 of the application, while the Reed syrup was successfully used in chewing gum compositions used to make stick forms of chewing gum products, its use in coated pellet gum, at a level great enough to be economically advantageous, was not satisfactory. From a policy standpoint, the patent system is designed to reward innovation. Discovery that the prior art was incorrect in suggesting that a Reed syrup could be used to make a pellet gum (assuming that the pellet gum was acceptable for coating), and finding a solution to the problem of a syrup that could be used for both stick gum and coated

pellet gum, evidences an nonobvious innovation worthy of patent protection. In this case, discovery of the problem was a major part of the invention. Nothing in Reed or the other cited references would lead one of ordinary skill in the art to realize that the Reed syrup would not be suitable for making coated pellet gum. The secondary references do nothing to correct this inaccurate perception from Reed. Further, while Dogliotti teaches that chewing gum can be coated, there is no suggestion in Reed, Cerestar or Dogliotti that the same syrup can be used to make a gum composition that is formed into sticks, and then used to make a second gum formulation that is made into coated chewing gum products.

Because the prior art would not be combined as suggested in the outstanding Office Action due to a teaching away of the suggested combination in the prior art, and because the invention produces unexpected results, claim 1 is patentable over Reed and Cerestar.

Claims 8, 11, 14, 25, 36 and 42 are other independent claims that were all rejected on a similar basis as the rejection of claim 1. In each case it was the position in the Office Action that it would have been obvious to substitute the Maltidex M 16311 for the anticristalliaztion agent having a DP of 1 or 2 of Reed. As noted above, this goes against the teaching of Reed. Also, the invention involves unexpected results. Thus claims 8, 11, 14, 25, 36 and 42 are not obvious over Reed and Cerestar. Further, claims 2-7, 9-10, 12-13, 15-21, 26-32, 37-41 and 43-45, dependent on claims 1, 8, 11, 14, 25, 36 and 42, are patentable for at least the same reasons.

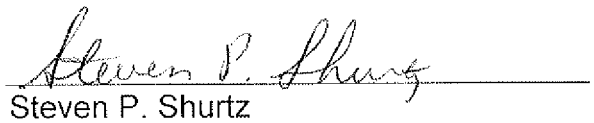
Further, claims 22 and 33 both require a method where the same syrup is used to make two different chewing gum compositions, at least one of the compositions being used to make stick chewing gum products and at least one of the compositions being used to make coated chewing gum products. While Reed states that the chewing gum products can be formed into a variety of shapes, there is no suggestion in Reed of using a single syrup to make both stick and pellet forms of gum, or of making the composition into coated chewing gum products. Cerestar is silent on this point. While Dogliotti teaches that chewing gum can be coated, there is no suggestion in Reed, Cerestar or Dogliotti that the same syrup can be used to make a gum composition that is formed into sticks, and then used to make a second gum formulation that is made into coated

chewing gum products. Claims 22 and 33, and claims 23-24 and 34-35 dependent thereon are thus patentable over Reed, Cerestar and Dogliotti.

Some of the claims are further patentable for particular reasons. For instance, claims 3 and 8 require that the syrup constitutes over 30% of the chewing gum composition. Claim 33 requires that the syrup constitutes about 30% to about 55% of the chewing gum composition used to make the coated pellet gum products. Claim 36 requires the syrup to comprise approximately 25% to about 65% of the chewing gum formulation. At these high levels, the invention is particularly advantageous compared to Reed, in that at such high levels the syrup of Reed did not make an acceptable pellet coated gum product. Claim 11 calls for the syrup to include, on a dry basis, about 8% to about 15% plasticizing agent. Reed, on the other hand, specifies that its syrup, on a dry basis, has about 15% to about 56%, and preferably about 20% to about 40%, plasticizing agent. It is believed that the high level of glycerin in the syrup of Reed contributed significantly to the inability of the Reed syrup to make acceptable coated pellet gum products, as discussed in paragraph 0035 of the specification.

Since each of the reasons for the rejections have been overcome, it is believed that the case is in condition for allowance.

Respectfully submitted,



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of maltitol, sorbitol and higher order polyols or polysaccharides. Higher-order polyols can be considered to be somewhat polymerized. Syrups, hydrolyzed starch, hydrogenated do not contribute nutrition to the human diet, are often used in reduced-calorie products, and by many are considered useful in the diets of persons with diabetes.

V. Toxicological Profile

Consistent with section 408(b)(2)(D) of the FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness, and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by syrups, hydrolyzed starch, hydrogenated are discussed in this unit.

A. Review by JECFA

The Joint Expert Committee on Food Additives (JECFA) is an international expert scientific committee that is administered jointly by the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO). In Food Additive Series 20, JECFA conducted a review of hydrogenated glucose syrups (see *http://www.inchem.org/documents/jecfa/jecmono/v020je13.htm).* JECFA defined these syrups as follows: "Hydrogenated glucose syrups (HGS) are a mixture of polymers of glucose obtained from starch by hydrolysis which, upon hydrogenation, results in chemical reduction of the end-group glucose molecule to sorbitol. HGS consists primarily of maltitol and sorbitol, with lower portions of hydrogenated oligo- and polysaccharides." The toxicity data base included metabolism studies; several mutagenicity studies; a multigeneration reproduction toxicity study; a developmental study; and various acute, short-term, and long-term toxicity studies. JECFA's conclusions are extracted directly from that document:

- HGS or its major component maltitol produced significantly lower blood-glucose levels and more stable insulin levels than glucose or sucrose due to slow metabolism of maltitol.
- The results from the *in vitro* assays, with and without metabolic activation, suggest that HGS does not induce a mutagenic, clastogenic, genotoxic, or neoplastic transformation response. No *in vivo* clastogenic effects were observed.
- Acute and short-term animal studies indicate that HGS is not toxic after single or repeated oral administration of large doses. In rats, no evidence of toxic effects of prolonged feeding of up to 15–20% of the diet was observed. A 90–day study in dogs showed no evidence of adverse effects, except for diarrhea, at a level of 4.95 grams/kilogram body weight per day (g/kg bwt day).
- A multigeneration reproduction study in rats, in which HGS was administered in drinking water as an 18% aqueous solution, did not reveal any toxicologically significant effects.

In humans, an effect of concern for all polyols is a laxative effect. Available information indicates that a laxative effect can occur at intake levels of 30–50 g/day.

WHO/JECFA also reviewed an oral long-term toxicity/carcinogenic study in the rat conducted with a test substance that was approximately 87% maltitol. No adverse effects were observed in the toxicity study. A slightly increased incidence of mammary gland adenocarcinomas was observed in female rats at the two highest dose levels. However, based on historical control data, these increases were not considered to be related to treatment (see *http://www.inchem.org/documents/jecfa/jecmono/v32je08.htm).*

In 1998, JECFA conducted another review of Maltitol Syrup (see *http://www.inchem.org/documents/jecfa/jecmono/v040je07.htm).* This evaluation examined the metabolic fate of maltitol and higher-order polyols using both *in vitro* and *in vivo* studies. The results indicated that the higher-order polyols were readily hydrolyzed to glucose and maltitol. Glucose would be readily absorbed by the mammalian body; however, the rate of absorption is slower than that of directly ingested glucose. Maltitol would be further degraded through fermentation by intestinal flora. The amounts of maltitol that are absorbed are quickly excreted in the urine with little evidence of metabolism.

JECFA's review of several animal toxicity studies indicated that no treatment-related toxicity was seen in rats or dogs fed a typical syrups, hydrolyzed starch, hydrogenated product at dose levels of 18 and 43 g/kg bwt day, respectively, for 90 days.

In 1999, JECFA conducted a review of the food additive polyglycitol syrup (see *http://www.inchem.org/documents/jecfa/jecmono/v042je13.htm).* In this review, JECFA stated that their previous evaluation of maltitol syrup was applicable to polyglycitol syrup. Maltitol syrup differs from polyglycitol syrup only in the relative proportions of sorbitol, maltitol and higher-order polyols. For this 1999 review, a short-term toxicity study in rats given material with a high-order polyol content of 78% was reviewed.

Doses of a polyglycitol syrup, equal to 13 g/kg bwt per day, in the diets of rats for 13 weeks, "was not associated with adverse effects. The only effects observed--increased weight of the empty caecum and increased urinary calcium excretion in the absence of elevated serum calcium--were considered to be the consequence of the accumulation of poorly absorbed material in the caecum and to be of no toxicological significance."

On the basis of the information reviewed at both the 1998 and the 1999 meetings, JECFA allocated a group acceptable daily intake (ADI) of "not specified" to materials conforming to the specifications for polyglycitol syrup and maltitol syrup. Thus, based on its review of the available data, polyglycitol syrups do not, in the opinion of JECFA, represent a hazard to health and the establishment of an acceptable daily intake (a specific limit on the average daily intake) expressed in numerical form is not needed.

B. Information Supplied by the Petitioner

In an acute oral toxicity study, using a test substance described only as an hydrogenated starch hydrolyzate, the lethal dose (LD_{50}) was >2,500 mg/kg (Toxicity Category III).

C. Conclusion

Syrups, hydrolyzed starch, hydrogenated is a generic term for a range of chemical substances that contain various sugar alcohols (sorbitol, maltitiol, and higher-order polyols) in varying proportions. WHO/JECFA has over a period of some years reviewed an extensive toxicity data base. The studies were conducted using similar mixtures of sugar alcohols. Generally, the studies did not reveal any toxicologically significant effects even at dose levels in the grams per kilogram body weight per day range. The human body has a demonstrated ability to metabolize this type of substance. The most noted effect in humans is a potential laxative effect.

VI. Aggregate Exposures

In examining aggregate exposure, section 408 of the FFDCA directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including

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227 USPQ 78

Ex parte Mead Johnson and Co.

U.S. Patent and Trademark Office, Board of Patent Appeals and Interferences

Decided June 19, 1985

Headnotes

PATENTS

[1] Invention -- Specific cases -- Chemical (▶ 51.5093)

Lack of any significant beta-adrenergic blocking activity evinced by compounds at issue renders them unobvious in that expectation of prior art is that such activity would be shown.

Case History and Disposition

Page 78

Appeal from Art Unit 125.

Reexamination No. 90/000,381, filed May 11, 1983, for No. 4,243,681, issued Jan. 6, 1981, application, Serial No. 30,497, filed Apr. 16, 1979. From decision rejecting all claims, patentee appeals (Appeal No. 623-65). Reversed.

Attorneys

Robert H. Berdo and Roylance, Abrams, Berdo & Goodman, both of Washington, D.C., for appellants.

Judge

Before Blech, Seidleck, and Steiner, Examiners-in-Chief.

Opinion Text

Opinion By:

Blech, Examiner-in-Chief.

This is an appeal from the final rejection of claims 1 through 15 of US Patent 4,243,681, granted January 6, 1981, to Morrow et al subject to re-examination in this case. These are the same and only claims as appearing in the patent. Re-examination was requested by Continental Pharma.

Illustrative of the claimed invention are:

1. A compound of the formula

Graphic material consisting of a chemical formula or diagram set at this point is not available. See text in hard copy or call BNA at 1-800-372-1033.

or an acid addition salt thereof wherein

R is hydrogen or methyl;

R_1 is alkyl of 1 to 4 carbon atoms inclusive;

R_2 is straight chain alkyl of 6 to 12 carbon atoms inclusive, or cyclohexylalkyl having 2 to 4 carbon atoms in the alkylene chain.

11. The therapeutic process for treating a mammal requiring validation which comprises administering

to said mammal an effective vasodilating amount of a compound as claimed in claim 1.

The references relied upon by the Examiner are:

British Patent 1,390,748 Apr. 16, 1975.

Wilhelm et al. (Wilhelm), *Experientia,* Vol. 23, No. 8, pp. 651-652 (1967).

These references are those urged by the requestor as being basis for a holding of unobviousness of the invention at issue within the meaning of 35 USC 103.

Reference relied upon by the patent owner in his brief:

Laddu et al. (Laddu), *European Journal of Pharmacology,* Vol. 8, 1969, pp. 167-170.

Wolff, *Burger's Medicinal Chemistry,* Fourth Edition, Part III, pp. 310 and 311.

Page 79

The appealed claims stand rejected for obviousness under 35 USC 103. The Examiner considers them to be unpatentable over the above cited British patent in view of Wilhelm.

It is the Examiner's position that the modification of the compounds of the British patent by the introduction of a -OCH_2- group for the direct linkage joining the phenyl and hydroxyalkyl moieties would be obvious in light of the teaching of Wilhelm, this, assertedly, being the only difference.

Preliminarily, we note, as pointed out and *argued* by appellants, another significant difference over the compounds of the British patent exists in that the carbon atom attached to the amino group in the reference compounds must be methyl or ethyl substituted whereas in the claimed compounds the carbon atom is not so substituted, but, rather, has hydrogen at this position.

[1] Appellant's main contention for urging patentable distinction for the claimed compounds vis-a-vis those of the prior art is their assertion that the lack of any significant beta-adrenergic blocking activity evinced by the compounds at issue renders them unobvious, the expectation of the art being contrariwise, i.e. that they would show such activity.

We are persuaded that, in fact, the artisan would be led to assume that compounds of the character as claimed should and would be effective beta-adrenergic blockers.

Thus, Wilhelm, the very reference relied upon by the Examiner, shows his compounds *do* have beta-blocking activity, the intensity of the action being dependent on the structures of the pharmacophoric elements A, B, and C.

As to aryl group A, Wilhelm states that its substitution in the ortho position seems to have a decisive influence. Accordingly, what influence his allyloxy substituents have cannot reasonably be analogized to mercapto substituents, the effect of any particular aryl substituent not necessarily being foreseeable. Moreover, and in any event, the British patent shows that mercapto substituted compounds, in fact, do demonstrate beta-blocking activity and the claimed compounds not possessing this property, consequently, are unobviously different.

Further, as to structural element B, Wilhelm states that an optimal beta-blocking effect is realized if it is unbranched. But in the claimed compounds such moiety also is unbranched, yet *no* beta-blocking property is imparted to them thereby, this clearly being unexpected in light of the teaching of Wilhelm.

Also, as to the group linking pharmacophoric elements A and B in Wilhelm only a - OCH_2- linkage actually is shown in his compounds exemplified, that the linkage alternatively may be a direct linkage appearing only as a general statement lacking any substantive support. Yet, on the other hand, appellants have submitted two references, Laddu and *Burger's Medicinal Chemistry,* which indicate that the potency as beta-blockers of phenoxypropanol derivatives, i.e. those containing the -OCH_2- linkage, is much greater, by an order of magnitude, than for phenylethanolamine compounds, i.e. those with a direct linkage. That the claimed -- OCH_2- linked compounds which thus would be expected to be more potent than the directly linked derivatives of the British patent actually evince no significant beta-blocking activity clearly could not have been foreseen and is unobvious.

The Examiner's assertion that Table III at col 21 of the instant specification does not show lack of beta-blocking activity for the claimed compounds is not understood. Clearly such is demonstrated for Tests Agents 1 through 8. That the comparison there made is with prior art compounds other than

those of the British patent manifestly is irrelevant, the substantial absence of beta-blocking property for the claimed compounds being shown.

Accordingly, the compounds at issue possessing an unexpected property must be viewed as being unobvious within the meaning of Section 103 of the Statute.

The decision of the Examiner is *reversed*.

REVERSED

- End of Case -

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